

**THE VILLAGE OF DEXTER  
CITY CHARTER COMMISSION  
MINUTES OF THE WEDNESDAY, JANUARY 29, 2014 MEETING**

**A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 PM by Chairman Hansen at the Copeland Board Room located at 7714 Ann Arbor Street in Dexter, Michigan.

**B. ROLL CALL:** Phil Arbour, Jack Donaldson, John Hansen, Matt Kowalski (arrived at 6:36), Phil Mekas, Mary-Ellen Miller, and James Smith. Excused absence Thom Phillips and Michael Raatz.

Also present: Courtney Nicholls, Assistant Village Manager; Marie Sherry, Treasurer/Financial Director; Carol Jones, Village Clerk; Julie Knight, Village Trustee, and a student from Skyline High School and his father.

**C. APPROVAL OF THE AGENDA**

Motion James Smith; support Phil Mekas to approve the agenda for January 29, 2014.

Unanimous voice vote approval with Kowalski, Phillips and Raatz absent.

**D. APPROVAL OF THE MINUTES**

1. Regular Meeting – January 22, 2014

Motion James Smith; support Phil Arbour to approve the minutes of the Regular Meeting of January 22, 2014 as amended with the correction on page 3 Section 3.06 (a) mad should be made on page 4 Section 3.08(a) charge should be charged. Unanimous voice vote approval with Kowalski, Phillips and Raatz absent.

**E. PREARRANGED PARTICIPATION**

Marie Sherry, Treasurer/Finance Director – Invited Guest to Discuss Article V

**F. PUBLIC HEARINGS**

None

**G. CHARTER CONSTRUCTION – SECOND READINGS**

None - Second Reading of Administrative Services will be on February 5

## **H. CHARTER CONSTRUCTION – FIRST READING**

### **1. Discussion of: Article V – Financial Management**

Motion Jack Donaldson; support Phil Arbour to approve the first reading of Section 5.01 – Fiscal Year

The fiscal year of the city shall begin on the first day of July and end on the last day of June.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Phil Arbour; support Phil Mekas to approve the first reading of Section 5.02 – Submission of Budget and Budget Message

On or before the 1<sup>st</sup> of May of each year, the City Manager shall submit to the City Council a recommended budget for the ensuing fiscal year and an accompanying message.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Jack Donaldson; support Matt Kowalski to approve the first reading of Section 5.03 – Budget Message

The purpose of the Budget Message is to provide members of the City Council and citizens of the city with a clear and concise picture of the budget which would describe what the manager expects to accomplish in the coming year, the estimated cost, sources of revenue and changes in the city debt.

Motion James Smith, support Phil Arbour to accept Mr. Smith's revised version of the Budget Message.

Unanimous voice vote approval with Phillips and Raatz absent.

Unanimous voice vote on the amended Budget Message wording with Phillips and Raatz absent.

Motion James Smith; support Mary-Ellen Miller to approve the first reading of Section 5.04 – Budget

The budget document shall present a complete financial plan for the ensuing fiscal year and shall include those items required by the Uniform Budgeting and Accounting Act 2 of the Public Acts of 1968 and as required by law.

On or before May 1 each year the City Manager shall submit to the council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the city. Such recommended budget shall include therein at least the following information:

- (a) The detailed estimates by the City Manager, with supporting explanation of proposed expenditures for each office, department, and board of the city, with a comparison of the actual expenditures for the corresponding items for the last two (2) fiscal years in full, and the expenditures for the current fiscal year to March 31 and an estimate of the expenditures for the balances of the current fiscal year;
- (b) Statements of the indebtedness of the city, showing the principal and interest requirements for the next fiscal year, the debt authorized and unissued and the condition of the sinking and debt retirement funds, if any;
- (c) Detailed estimated of all anticipated revenues of the city from sources other than taxes, with a comparative statement of the amounts estimated for and actually received from each of the same or similar sources for the last two (2) years in full, for the current fiscal year to March 31 and estimated revenues therefrom for the balance of the current fiscal year;
- (d) A statement of the estimated accumulated cash and unencumbered balances, or deficits at the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from taxes to be raised from taxes to be levied, from delinquent taxes, and the amount to be raised from bond issues which, together with available unappropriated funds and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the council may request; and
- (g) A multi-year Capital Improvement Plan which includes provisions for operation and maintenance.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Jack Donaldson; support Phil Mekas to approve the first reading of Section 5.05 – City Council Action on Budget

- (a) Notice and Hearing. The City Council shall publish the general summary of the budget and a notice stating:
  - (1) The times and places where copies of the message and budget are available for inspection by the public, and
  - (2) The time and place, not less than two weeks after such a publication, for a public hearing(s) on the budget.

(b) Amendment Before Adoption. After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

(c) Adoption The City Council shall adopt the budget on or before the 30<sup>th</sup> day of June of the fiscal year currently ending. If council fails to adopt the budget by this date, the budget presented at the public hearing shall go into effect. If a default budget goes into effect, another public hearing on the budget shall be held within 30 days.

(d) "Publish" Defined. Publishing in a newspaper shall be defined as stated in MCL 691.1051. City Council may also define additional publication locations as they deem necessary.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Phil Mekas; support Mary-Ellen Miller to approve the first reading of Section 5.06 – Appropriation and Revenue Ordinances.

Motion James Smith; support Jack Donaldson to use Section 5.06 of the Caro Charter instead of the Model Charter.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Mary-Ellen Miller; support Jack Donaldson to incorporate section 9.7(e) from the Chelsea Charter.

Unanimous voice vote approval with Phillips and Raatz absent.

(a) No money shall be drawn from the treasurer of the city except in accordance with an appropriation thereof for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments, which will be due under such obligation in the current fiscal year. Except for funds subject to contractual or statutory limitations, the council may transfer any actual unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another. Any expenditure of city funds shall not be authorized or incurred, except in pursuance with the authority and appropriations of the City Council. All city expenditures shall be incurred in compliance with the requirements of Uniform Budgeting and Account Act 2 of the Public Acts of 1968.

(b) The council may make additional appropriations during the fiscal year for unanticipated expenditures required by the city.

(c) Except in those cases where there is no other logical account to which expenditures can be charged, expenditures shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the

appropriation from the contingency fund (or other similar fund) shall be transferred to the logical account, and the expenditure charged to such account.

(d) At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the City Manager shall submit to the council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the council shall reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures with the revenues.

(e) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the general fund.

Unanimous voice vote approval as amended with Phillips and Raatz absent.

Motion Phil Arbour; support Jack Donaldson approve the first reading of Section 5.07 – Amendments after Adoption

Unanimous nay vote with Phillips and Raatz absent. Motion fails.

Motion James Smith; support Phil Mekas to approve the first reading of Section 5.08 – Administration and Fiduciary Oversight of the Budget.

Unanimous nay vote with Phillips and Raatz absent. Motion fails.

Motion James Smith; support Phil Mekas to approve the first reading of Section 5.09 – Capital Improvement Plan

(a) Submission to City Council. In accordance with state law, the Planning Commission with the assistance of the Planning and Zoning Administrator shall prepare and submit to the City Council a multi-year Capital Improvement Plan no later than three (3) months before the final date for adoption of the budget.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion James Smith; support Phil Arbour to extend the meeting beyond the 8:30 PM ending time.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Jack Donaldson; support Phil Arbour to approve the first reading of Section 5.10 – Action on Capital Improvement Plan

(a) Notice and Hearing. The Planning Commission shall publish the general

summary of the Capital Improvement Plan and a notice stating:

- (1) The times and places where copies of the Capital Improvement Plan are available for inspection by the public, and
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing(s) on the Capital Improvement Plan.

(b) Recommendation by Planning Commission. Following the public hearing the Planning Commission shall vote to recommend that the Capital Improvement Plan with or without amendment be presented to City Council.

(c) Adoption. The City Council by resolution shall adopt the Capital Improvement Plan with or without amendment on or before June 30 of each year.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Phil Arbour; support James Smith to refer Section 5.11 -- Independent Audit to Ms. Nicholls and Ms. Sherry to write.

Unanimous voice vote approval with Phillips and Raatz absent.

Motion Jack Donaldson; support James Smith to approve the first reading of Section 5.12 – Public Records.

Unanimous nay vote with Phillips and Raatz absent. Motion fails.

#### **I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS**

Discussion was held on having a mid-term Public Hearing and the sentiment was to wait until the charter is complete. It was suggested thought that a letter be included in the next Village Newsletter as to the progress on the charter.

Jack Donaldson mentioned an opportunity to speak to the residents of The Cedars as many seem to have misinformation regarding cityhood.

John Hansen spoke of an invitation to speak at the April 10 Rotary meeting and invited all Charter Commissioners to come to the meeting.

#### **J. AGENDA PREPARATION FOR THE NEXT MEETING**

- Tom Ryan's attendance has been rescheduled to the February 5<sup>th</sup> meeting.
- Authorize Ms. Nicholls and Ms. Sherry to review Sections 9.8, 9.9 and 9.10 of the Caro Charter.
- Second Reading of Articles III and V.
- Move up discussion on elections to February 12.

**K. NON-ARRANGED PARTICIPATION**

Village Trustee, Julie Knight, complemented how well the group is working and asked the question as to where the models for a charter came from.

**L. ADJOURNMENT**

Motion Phil Arbour; support James Smith to adjourn at 8:56 PM.  
Unanimous voice vote approval with Phillips and Raatz absent.

Respectfully submitted,  
Carol J. Jones  
Clerk, Village of Dexter

Approved for Filing: \_\_\_\_\_



# Memo

**To:** City Charter Commission  
**From:** Tom Ryan, Special Counsel  
**Date:** January 31, 2014  
**Re:** Charter Commission

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Dear Chairman Hansen and Members of the Commission:

Assistant Village Manager, Courtney Nicholls, has asked me to provide my comments to you prior to our meeting on February 5, 2014, and I am happy to do so and discuss them with you at that time. My comments are as follows:

1. I believe the Charter should be gender neutral. That is I believe we should not say "his/her" in the Charter but the modern view is to just refer to the office without referring to gender, such as Mayor, City Manager, etc., without referring to his or her designee just the City Manager's designee or Mayor's designee.
2. As to Article II, Section 2.02(a) – Eligibility, it was my understanding there was going to be a minimum residency requirement of one (1) year to run for city council position.
3. Section 2.06 – Vacancies; Forfeiture of Office; Filling of Vacancies, there is a typo in that it should be Forfeiture "of" Office instead of "or".

As to subsection (a) Vacancies. I believed we had discussed "The office of a mayor or council member and striking the language "or any other elected official" and the remainder shall stay the same.

As to subsection (b) Forfeiture of Office, A mayor or council member and striking the language "or any other elected official" shall forfeit that office if that mayor or council member and striking "or other elected official".

As to subsection (c) (2), in the last sentence, I would suggest the following language and have inserted that in **bold type**.

"If the city council fails to fill a vacancy within 60 days following the occurrence of the vacancy, the city clerk shall within 10 days thereafter notify the county clerk and secretary of state to call a special election to fill such vacancy for the unexpired term of the councilmember **or until the next regular November city election** whose office has become vacant.

As to Section 2.09 – Investigations, I suggest the following language and have inserted that in bold type:

The city council may **establish by ordinance the procedure** to make investigations into the affairs of the city and the conduct of any city department, office, or agency.

As to Section 2.13 – Ordinances in General, subsection (b)(4), we do not want to hold a "public hearing" on all proposed ordinances. A public hearing is a term of art mostly utilized for zoning ordinances, requires special notification requirements, which is not efficient or necessary for the city. You could say a "A public reading" on all proposed ordinances etc.

As to Article 3 ADMINISTRATIVE SERVICES really speaks to the issue of gender neutral.

As to Section 3.10 – Police Protection and Fire Protection, subsection (c), I would suggest the following language and have inserted that in **bold type**.

The city manager shall supervise these department chiefs and have the authority of dismissal **with the concurrence of council**.

As to Section 3.12 – Zoning Administrator, in the first paragraph I am not sure what the term "after consultation with the city council" we wish to tighten that up and make it with the concurrence of city council.

Those are my comments thus far. I would be pleased to discuss them with the Commission on February 5<sup>th</sup>.

Respectfully submitted,

  
Thomas J. Ryan  
Special Counsel for Village of Dexter

# VILLAGE OF DEXTER

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MEMO

**To: Charter Commission**  
**From: Courtney Nicholls, Assistant Village Manager**  
**Date: January 31, 2014**  
**Re: Second Readings & Updates**

Presented for the Commission's review are the Administrative Services and Financial Management Articles of the draft City Charter. These Articles were first reviewed by the Commission on January 15 and 22 (Administrative Services) and January 29 (Financial Management). The Commission decided to use the Caro Charter as the sample document for Administrative Services and the NCL Model Charter as the sample for Financial Management.

Once these Articles are reviewed and approved, they will be considered part of the draft City Charter which will be reviewed in its entirety after all the draft Articles are complete.

Also included for the Commission's review is the current Village Ordinance language regarding the Village Manager, Village Treasurer and Planning Commission to be used in the review of Administrative Services. A copy of the Michigan Planning Enabling Act discussing the Capital Improvement Plan requirements is also provided for use in the discussion of Financial Management.

President Keough made some suggestions regarding clarifying the process for those that might be following along on the website, but not attending our meetings. To make things more user friendly a few changes were made to the website and the packet. The website now contains the upcoming meeting schedule with proposed topics. It also contains a summary of the Commission's process (first reading, second reading, etc), which is provided for your review. The list of completed draft articles provides information on the sample document that was used. A new table was added that provides quick access to those articles that are ready for a second reading.

The packet will now contain a memo along with each item that explains the stage that it is at in the process. Any pages from documents included in the packet will include a title so that a person would be able to tell, for example, that the document is from the model charter.

## City Charter Commission – Charter Creation Process

To prepare to write the City Charter, each Charter Commissioner was provided with several documents for their review. Each Commissioner has a copy of several sample Charters from other communities and one guiding document from the National Civic League. The sample Charters made available to the Commission include the National League of Cities Model Charter and the City Charters from Caro, Chelsea, Saline, Plymouth, Tecumseh and Howell. They also have the draft City Charter from the Village of Jonesville, a village that is also currently going through the incorporation process.

The Commission chose to use the National Civic League (NCL) Model Charter as a starting point since it was a good template to work from. The NCL Model Charter is a compilation of sample “Articles” (i.e. chapters). Each Article covers a different topic in an organized manner. When any Commission member does not feel that the language used in the Model Charter document works well for Dexter, they can request that it be replaced with new language or language from one of the other sample documents. The Model Charter is a document that is used nationwide, so there are also Michigan specific Articles that need to be included. It is anticipated that draft language for those Articles will come from the other sample charters of Michigan Cities and be modified accordingly to fit Dexter.

The Commission is creating the draft Dexter Charter on an Article by Article basis. Each new Article first appears on a regular Charter Commission agenda as a First Reading. The Commission discusses the draft language from one or more of the available model templates, makes changes as deemed appropriate and takes a vote on each of the sections in the Article.

Once the Commission has reviewed, discussed and voted on each section within an Article, the draft Article is presented in its entirety at a subsequent meeting as a Second Reading. At this reading the Commission makes any additional changes and votes on the Article as a whole.

After the Article has gone through its Second Reading it is considered a completed draft Article. Each draft Article will be reviewed again once all of the draft Articles are complete.

The Commission encourages public participation in this process. Two opportunities for public comment are provided on each Charter Commission agenda. At the beginning of the meeting, any attendee who informs the Village Office in advance of the meeting can speak for 5 minutes (10 minutes if representing a group). At the end of the meeting, any attendee can speak for 5 minutes (10 minutes if representing a group). Attendees with questions during the meeting can request to be recognized by the Chair. Written comments are placed in the packet of information distributed to each Commission member prior to every meeting. Written comments can be submitted to the Village at any time either by dropping them off at Village offices or by emailing them to [cnicholls@dextermi.gov](mailto:cnicholls@dextermi.gov).

Proposed Schedule for Future Meetings (as of January 29, 2014)

February 5	Review Administrative Services and Financial Management – Commission Attorney Tom Ryan to attend
February 12	Elections (Clerks from Scio, Webster and Washtenaw County invited)
February 19	Taxation
February 26	Special Assessments
March 5	Borrowing/Purchasing
March 12	General Provisions
March 19	Public Utilities
March 26	Charter Amendments / Transitions
April 2	Spring break week (Maybe we need a break too)
April 9	Full Charter Review
April 16	Last cross check for internal references, spelling, capitalization, etc.
April 23	Final vote of approval (Schedule Public Hearing)
May	Public Hearing Week of May 12
June 1	Out the door to Attorney General

Items in Parking Lot (as of 1-29-14)

Unfunded pensions, power subtractions, state of city message, statement of ethics, nepotism, adding a catch all category or a glossary, watch for stray items that should be on the mandatory ordinance list, compensation commission, emergency expenditures

## Charter Requirements

Michigan law requires every Home Rule City Charter to include the following provisions (MCL 117.3):

### **Still to be Addressed**

- determination of whether the city will have partisan or non-partisan elections
- time, manner, and means of holding elections and registering electors (subject to Michigan Election Law)
- taxing powers
- levy, collection and return of state, county and school taxes
- providing for the public peace and health and for the safety of persons and property

### **Addressed in Draft Articles**

- election of a mayor, who will be the chief executive officer of the city
- election of a legislative body (council)
- method for filling for city elective offices
- election or appointment of a clerk, treasurer, assessor, board of review and other officers considered necessary
- qualifications, duties and compensation of the city's officers
- adopting, continuing, amending and repealing the city ordinances and for the publication of each ordinance before it takes effect
- statement that all business of the legislative body will take place in compliance with the open meetings act and that all records will be made available to the public in compliance with the freedom of information
- keeping of records in the English language
- establishing a uniform system of accounts as required by law

## Article 3 - Administrative Services (Language taken from Caro Charter Chapter 7)

### Section 3.01 – Administrative Officers Generally

The administrative officers of the city shall be the City Manager, City Clerk, City Treasurer, City Assessor and City Attorney. The council may by ordinance or resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with law or this charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the city department.

### Section 3.02 – Personnel System

- (a) All appointment and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- (b) Consistent with all applicable federal and state laws, the city council may provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

### Section 3.03 – City Manager - Appointment; Compensation

- (a) The City Manager shall be the chief administrative officer of the city. The council shall appoint him or her on the basis of education, ability, training and experience.
- (b) The council shall appoint a city manager within one-hundred eighty (180) days after any vacancy exists in such position. The council may, upon majority vote, extend this period up to an additional one-hundred eighty (180) days. The council may appoint an interim manager during the period of a vacancy in the office.
- (c) The city manager, with the consent and approval of the council, may designate an administrative officer or employee of the city to act as city manager if he or she is temporarily absent from the city or unable to perform the duties of his or her office.
- (d) The council shall set the City Manager's compensation as part of the employment agreement.

### Section 3.04 – City Manager – Function and Duties

The City Manager shall be responsible to the council for the proper management and administration of the affairs of the city. The City Manager shall:

- (a) Appoint and remove employees of the city, make recommendations to the council relative to the appointment and removal of administrative officers of the city as referenced in Section 3.01, and set employees compensation with the budget adopted by the council.
- (b) Supervise and coordinate the work of all the administrative offices and departments of the city except the work of the City Clerk, City Treasurer and City Assessor as dictated by state constitution or statute.
- (c) Be the main point of communication and dissemination of information from the City Attorney.
- (d) See that all laws and ordinances enforced.
- (e) Prepare and administer the annual budget under policies formulated by the council, have budget control responsibility, and keep the council advised as to the financial condition and needs of the city.
- (f) Furnish the council with information concerning city affairs and prepare and submit such reports as may be required or which council may request.
- (g) Make recommendations to the council relative to all agenda items, except as directly related to his or her employment.
- (h) Subject to any employment ordinance of the city, he or she shall employ or be responsible for the employment of all city employees and supervise and coordinate the personnel policies and practices of the city.
- (i) Establish and maintain or appoint an authorized representative to establish and maintain a central purchasing service and the City Manager shall act as the purchasing agent for the city.
- (j) Attend all meetings of council with the right to be heard in all council proceedings but without the right to vote.
- (k) Possess such other powers as may be granted to or required of him or her by council, so far as may be consistent with the provisions of law.
- (l) Establish any rules necessary to carry out any of the foregoing duties.
- (m) Perform such other duties in connection with the office as may be required by law, ordinance or by city council

### Section 3.05 – City Manager – Removal

The City Manager serves at the pleasure of the city council and may be removed by an affirmative vote of not less than five (5) of its members.

### Section 3.06 – City Clerk

The City Clerk shall be appointed by the City Manager with advice and consent of council. The appointment shall be made on the basis of education, ability, training and experience. The City Clerk shall:

- (a) Be the clerical officer of the council and keep its journal in English.
- (b) Keep a record of all actions of the council at its regular and special meetings.
- (c) Certify all ordinances and resolutions adopted by the council.
- (d) Have the power to administer all oaths required by law and by the ordinances of the city and shall be custodian of the city seal, and shall affix the same to documents required to be sealed.
- (e) Be the custodian of all papers, documents, and records pertaining to the city, which are not entrusted to some other city officer or department by city charter, ordinance or law. All records of the city shall be made available to the general public in compliance with the Michigan Freedom of Information Act.
- (f) Shall give the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the city is a part and shall notify the council of failure of any officer or employee required to take an oath of office or furnish any bond required of him or her.
- (g) Be the chief election officer for the city.
- (h) Perform such other duties in connection with the office as may be required by law, ordinance or resolutions of the council, or by the City Manager.

### Section 3.07 – City Treasurer

The City Treasurer shall be appointed by the City Manager with advice and consent of council. This appointment shall be made on the basis of education, ability, training and experience. The City Treasurer shall:

- (a) Have the custody of all moneys of the city and all evidences of value or indebtedness belonging to or held in trust by the city.

- (b) Keep and deposit all moneys or funds in such manner and only in such places as allowed by the investment policy adopted by council, and shall report the same to the City Manager.
- (c) Have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district, city taxes and other taxing entities' money as are provided by law.
- (d) Disburse all city funds in accordance with provisions of law and this charter.
- (e) Disburse and maintain a general accounting plan which will conform to such uniform accounting standards as may be required by law.
- (f) Perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the council, or by the City Manager.

#### Section 3.08 – City Assessor

The City Assessor shall be appointed or contracted for by the City Manager with advice and consent of council. The selection shall be made on the basis of proper certification by the state assessor's board, education, ability, training and experience. The City Assessor shall:

- (a) Possess all the power vested in and shall be charge with the duties imposed upon the assessing officer of a city by law.
- (b) Make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the city.
- (c) Perform such duties as may be prescribed by law or the ordinances of the city, or by the City Manager.
- (d) Be the secretary of the Board of Review.

#### Section 3.09 – City Attorney

The City Attorney shall act as legal advisor and be responsible to the council. The council shall appoint him or her on the basis of education, ability, training and experience. The City Attorney serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members.

The City Attorney shall:

- (a) Be the legal advisor and counsel for the city.

- (b) Prepare or review ordinances, regulations, contracts, bonds and other such instruments as may be required by this charter, the council, or the City Manager and shall promptly give his or her opinion as to the legality thereof.
- (c) Prosecute ordinance violations and shall represent the city in cases before the courts and other tribunals. In such instances as the council shall direct, he or she shall defend officers and employees of the city in actions arising out of the performance of their official duties.
- (d) Perform such other duties in connection with the office as may be prescribed by this charter, the council or by contractual agreement.
- (e) Comply with the Michigan Rules of Professional Conduct of the Michigan State Bar Association.

Upon the City Attorney's recommendation, or upon its own initiative, the council may retain special legal counsel to handle any matters in which the city has an interest, or to assist the City Attorney.

#### Section 3.10 – Police Protection and Fire Protection

- (a) The council shall provide for, establish and maintain police protection to enforce all laws, ordinances, and codes of the city through the creation of a police department, public safety department or by providing for police services by contract or intergovernmental agreement.
- (b) The council shall provide for, establish and maintain fire protection and rescue services within the administrative division of the city. The council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental or contractual agreements as it shall deem necessary.
- (c) If the city operates its own police and/or fire department, the police chief and/or fire chief shall be appointed by the City Manager, with advice and consent of council, on the basis of education, ability, training and experience. The City Manager shall supervise these department chiefs and have authority of dismissal.

#### Section 3.11 – City Planning Commission; Zoning and Zoning Board of Appeals

- (a) The council shall maintain a city planning commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, and this charter including but not limited to the Michigan Planning and Enabling Act, and all other intergovernmental planning and zoning statutes which it deems beneficial to the health, safety and general welfare of the city.
- (b) The council shall maintain a zoning ordinance in accordance with the provisions of the Michigan Zoning Enabling Act relating to such ordinances and this charter. The

ordinance shall provide that zoning be coordinated with the work of the city planning commission.

- (c) The members of the Planning Commission and Zoning Board of Appeals shall be appointed by the Mayor subject to confirmation by the council and shall be residents of the city. Their appointment, functions and duties shall be in accordance with statute and city ordinance.

### Section 3.12 – Planning and Zoning Administrator

The Planning and Zoning Administrator shall enforce the city zoning ordinances and will receive functional and administrative supervision from the City Manager. The Planning and Zoning Administrator shall be appointed by the City Manager, with advice and consent of the city council, on the basis of education, ability, training and experience. The City Manager shall supervise and have the authority of dismissal.

The Administrator or his or her designee shall:

- (a) Issue all notices and orders to insure compliance with zoning ordinances and recommend prosecution if necessary;
- (b) Process all applications related to zoning compliance, site plans, special land use permits, and zoning variances;
- (c) Prepare documents, agenda, and supporting information for the planning commission and zoning board of appeals meetings;
- (d) Assess all fees authorized by state statute, city ordinance or city resolution;
- (e) Prepare and/or assist in developing a master plan; and
- (f) Perform all other duties as may be prescribed by state law, the ordinance and resolutions of the city council or as directed by the City Manager.

### Section 3.13 – Other Public Authorities, Board or Commissions

- (a) The council may create such entities as may be needed for the public health, safety and well-being of the city.
- (b) The council may enter into contracts and agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted that they determine to be in the interests of the city.

# Current Dexter Ordinances

## Dexter, Michigan, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE III. - OFFICERS AND EMPLOYEES >> DIVISION 2. - VILLAGE MANAGER >>

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### DIVISION 2. - VILLAGE MANAGER <sup>[4]</sup>

Sec. 2-76. - Position created.

Sec. 2-77. - Appointment; qualifications; removal.

Sec. 2-78. - Reserved.

Sec. 2-79. - Salary.

Sec. 2-80. - Acting village manager.

Sec. 2-81. - Powers and duties.

Sec. 2-82. - Authority and rights.

Sec. 2-83. - Annual review and evaluation.

Secs. 2-84—2-100. - Reserved.

#### **Sec. 2-76. - Position created.**

In accordance with the authority granted to the village by Public Act No. 201 of 1974 (MCL 65.8) there is hereby created the position of village manager.

*(Ord. eff. 11-7-1977, § 1)*

#### **Sec. 2-77. - Appointment; qualifications; removal.**

The president shall, within 90 days after a vacancy exists in the position, appoint, by and with the consent of the village council, a village manager to serve for an indefinite period. The village manager shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to his race, religion, sex or political preferences. The village manager may be removed by a concurring vote of five members of the village council as provided in this section. At least 30 days before the removal of the village manager, the village council shall pass a resolution stating its intention to remove him and the reason therefor, a copy of which shall be served forthwith on the village manager, who may within ten days demand a public hearing in which event the final resolution shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the village council's intention to remove the village manager, the village council may suspend him from duty, but his pay shall continue until his removal. The action of the village council in removing the village manager shall in any case be final.

*(Ord. eff. 11-7-1977, § II; Ord. eff. 6-10-1992)*

#### **Sec. 2-78. - Reserved.**

#### **Sec. 2-79. - Salary.**

The council shall established the salary of the village manager at the time of appointment and shall have power to adjust the salary as the case requires.

(Ord. eff. 11-7-1977, § IV)

### **Sec. 2-80. - Acting village manager.**

The council may appoint or designate an acting village manager during the period of a vacancy in the office or during the absence of the village manager from the village. The acting village manager shall, while he is in such office, have all the responsibilities, duties and authority of the village manager.

(Ord. eff. 11-7-1977, § V)

### **Sec. 2-81. - Powers and duties.**

The village manager shall be responsible to the president and council for the proper administration and supervision over all departments created by the governing body or that may hereafter be created by the governing body of the village and to that end he shall have power, and shall be required to:

- (1) Act in behalf of, and carry out the instructions of, and be the authorized representative of the village council;
- (2) Hire and terminate officers and employees in the departments under his jurisdiction;
- (3) Be solely responsible to the president and council for directing all the departments of the village under his jurisdiction including health and safety, and the personnel therein, within the limits set by law;
- (4) Attend all meetings of the village council with the right to take part in discussions but without the right to vote;
- (5) Be a member ex officio of all committees of the village council;
- (6) Recommend to the council the adoption of such measures as he may deem necessary or expedient for improvement or betterment of the village;
- (7) Prepare and recommend an annual budget to the city council and administer the budget as finally adopted under policies formulated by the council and keep the council fully advised at all times as to the financial condition and needs of the village;
- (8) That village council shall adopt a purchasing policy. The purchasing policy will be used by the village auditors to establish compliance with said policy. The village manager may recommend changes to this policy from time to time as the governing body may approve;
- (9) See that all laws and ordinances are duly enforced;
- (10) Make investigations into the affairs of the village or any department or division thereof. Investigate all complaints in relation to all matters concerning the administration of the government of the village and in regard to service maintained by the public utilities in the village and see that all franchises, permits, and privileges granted by the village are faithfully observed;
- (11) Exercise and perform all administrative functions that are not imposed by Charter or ordinance upon some other official;
- (12) Present to the council periodic reports and special reports when requested by the council covering the activities of the village administration for which he is responsible;
- (13) Recommend to the council the salaries to be paid each appointive officer and employee of the village under his jurisdiction;
- (14) Perform such other duties as may be required of him by the council, not inconsistent with the Charter of the village, or with statutes, or ordinances.

(Ord. eff. 11-7-1977, § VI; Ord. eff. 3-22-1993; Ord. No. 22-2004, 12-28-2004)

### **Sec. 2-82. - Authority and rights.**

Neither the council nor the village president, nor any of the members or committees of the council shall dictate the recommendations of the manager as to the appointment of any person to office or to the employment of any person by the village manager, or in any way interfere with the manager to prevent him from exercising his judgment in the direction of the departments under his jurisdiction. Except for the purpose of inquiry, the president and the council and its members shall deal with the departments under the jurisdiction of the manager through the manager.

(Ord. eff. 11-7-1977, § VII)

### **Sec. 2-83. - Annual review and evaluation.**

The village president and council shall review and evaluate the village manager's performance annually, no later than the first meeting of December each year.

(Ord. eff. 11-7-1977, § IX)

### **Secs. 2-84—2-100. - Reserved.**

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#### FOOTNOTE(S):

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*State Law reference— Village manager: service, powers and duties, MCL 65.8 et seq. (Back)*

**Dexter, Michigan, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION  
>> ARTICLE III. - OFFICERS AND EMPLOYEES >> DIVISION 3. - VILLAGE TREASURER >>**

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**DIVISION 3. - VILLAGE TREASURER**

Sec. 2-101. - Establishment of office.

Sec. 2-102. - Term of office.

Sec. 2-103. - Supervision and removal.

Sec. 2-104. - Compensation and status.

Secs. 2-105—2-120. - Reserved.

**Sec. 2-101. - Establishment of office.**

As authorized by section 1(3), chapter II of Public Act No. 3 of 1895 (MCL 62.1) the village treasurer shall be chosen by nomination by the village president and appointment by a majority vote of the village council.

*(Ord. No. 2001-0827-053, § 1, eff. 10-11-2001)*

**Sec. 2-102. - Term of office.**

The term of office of the village treasurer shall be two years from the second Monday of March of each even-numbered year and until a successor is appointed. The person first appointed as village treasurer under this division shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files with the village clerk, together with the filing of any bond required by law. The initial term of office shall commence not earlier than the second Monday of March 2002 or when the treasurer's office becomes vacant, whichever occurs first.

*(Ord. No. 2001-0827-053, § 2, eff. 10-11-2001)*

**Sec. 2-103. - Supervision and removal.**

As authorized by chapters IV and V of Public Act No. 3 of 1895 (MCL 64.3, 64.12a and 65.8) the village manager shall exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions imposed on the village treasurer by Public Act No. 3 of 1895, and is hereby authorized to remove the village treasurer when the village manager considers it in the public interest. The village manager may direct the treasurer to perform any other clerical and management functions that may be assigned by ordinance to the village manager.

*(Ord. No. 2001-0827-053, § 3, eff. 10-11-2001)*

**Sec. 2-104. - Compensation and status.**

The village treasurer shall be a full-time salaried position (exempt from federal labor laws applicable to hourly employees) and shall be provided a salary and benefits as determined by the village council.

*(Ord. No. 2001-0827-053, § 4, eff. 10-11-2001)*

**Secs. 2-105—2-120. - Reserved.**

Dexter, Michigan, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION  
>> ARTICLE IV. - BOARDS AND COMMISSIONS >> DIVISION 2. - PLANNING COMMISSION >>

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DIVISION 2. - PLANNING COMMISSION <sup>[5]</sup>

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Sec. 2-136. - Creation.

Sec. 2-137. - Composition.

Sec. 2-138. - Chairperson, meetings, rules, records.

Sec. 2-139. - Employees, contracts, expenditures.

Sec. 2-140. - Compensation.

Sec. 2-141. - Powers and duties.

**Sec. 2-136. - Creation.**

The village planning commission (hereinafter referred to as "the commission") is hereby created pursuant to the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.)

*(Ord. No. 93-1213-001, § 1, eff. 12-23-1993; Ord. No. 2-2010, eff. 3-10-2010)*

**Sec. 2-137. - Composition.**

The commission shall consist of nine members who shall be appointed by the president subject to approval by a majority vote of the members of the village council. One member shall also be a member of the village council to be selected by resolution of the village council to serve as a member ex officio. One member of the commission may be a member of the zoning board of appeals. The term of each member shall be three years, except the ex officio, which shall be an annual appointment. All members shall hold office until their successors are appointed. A member may, upon written charges and after a public hearing, be removed by the village council for misfeasance, malfeasance, or nonfeasance in office. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term in the same manner as provided for an original appointment.

*(Ord. No. 93-1213-001, § 2, eff. 12-23-1993; Ord. of 4-14-2003(1); Ord. eff. 8-13-2003; Ord. No. 32-2005, 11-14-2005; Ord. No. 2-2010, eff. 3-10-2010)*

*State law reference— Planning commission membership, MCL 125.3815.*

**Sec. 2-138. - Chairperson, meetings, rules, records.**

The commission shall elect a chairperson and secretary from among its members and create and fill such other of its offices as it may determine. The ex officio shall not hold an office. The term of chairperson shall be one year, with eligibility for reelection. The commission shall hold not less than four regular meetings each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. All meetings shall be noticed and recorded in accordance with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.) and Public Act No. 110 of 2006 (MCL 125.3101).

*(Ord. No. 93-1213-001, § 3, eff. 12-23-1993; Ord. No. 32-2005, 11-14-2005; Ord. No. 2-2010, eff. 3-10-2010)*

*State law reference— Similar provisions, MCL 125.3817 and MCL 125.3819.*

### **Sec. 2-139. - Employees, contracts, expenditures.**

The commission, within the scope of its budget as set by the village council and subject to council approval, may appoint employees and enter into contracts for planning services as it may require. Expenditures shall be within the amounts appropriated by the village council and shall be subject to such purchasing controls as may be established for departments within the village.

*(Ord. No. 93-1213-001, § 4, eff. 12-23-1993; Ord. No. 2-2010, eff. 3-10-2010)*

*State law reference— Similar provisions, MCL 125.35.*

### **Sec. 2-140. - Compensation.**

Members of the commission, except for the ex officio, shall be compensated in an amount and manner prescribed by the village council.

*(Ord. No. 93-1213-001, § 5, eff. 12-23-1993; Ord. No. 32-2005, 11-14-2005; Ord. No. 2-2010, eff. 3-10-2010)*

*State law reference— Similar provisions, MCL 125.3823.*

### **Sec. 2-141. - Powers and duties.**

- (a) The commission shall have such powers and duties as are granted to village planning commissions by the statutes of the state and any ordinance of the village including but not restricted to those powers and duties provided for in Public Act No. 33 of 2008 (MCL 125.3801 et seq.) and Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (b) As part of its powers and duties, the planning commission shall make and adopt a master plan for the physical development of the village, including any areas outside of village boundaries which, in the commission's judgment, bear relation to the planning of the village. The plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of the village, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, floodplains, waterfronts, boulevards, parkways, playgrounds and open spaces, the general location and extent of public utilities and terminals, whether public or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the planning and redevelopment of blighted districts and slum areas; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. The planning commission may amend, extend, or add to the plan.
- (c) The planning commission shall prepare and recommend for adoption, holding any required public hearings therefor, a zoning ordinance in whole or in part or repealers thereto, recommend the boundaries of districts, recommend appropriate regulations to be enforced therein, make a tentative report and/or a final report to the village council, and take such additional action as may be required by the council.
- (d) The planning commission established pursuant to this article shall succeed to all duties and powers previously exercised by the village planning commission, except as otherwise provided by law.

*(Ord. No. 93-1213-001, § 6, eff. 12-23-1993; Ord. No. 2-2010, eff. 3-10-2010)*

*State law reference— Master plan preparation, MCL 125.3831 et seq.*

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**FOOTNOTE(S):**

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*Cross reference— Downtown development authority, § 14-31 et seq.; parks commission, § 30-31 et seq. [\(Back\)](#)*

*State Law reference— Michigan Planning Enabling Act, MCL 125.3801 et seq. [\(Back\)](#)*

## Financial Management (Article 5 of the NLC Model Charter)

### Section 5.01 – Fiscal Year

The fiscal year of the city shall begin on the first day of July and end on the last day of June.

### Section 5.02 – Submission of Budget and Budget Message

On or before the 1<sup>st</sup> of May of each year, the City Manager shall submit to the City Council a recommended budget for the ensuing fiscal year and an accompanying message.

### Section 5.03 – Budget Message

The purpose of the Budget Message is to provide members of the City Council and citizens of the city with a clear and concise picture of the budget which would describe what the manager expects to accomplish in the coming year, the estimated cost, sources of revenue and changes in the city debt.

### Section 5.04 – Budget (Caro Charter Section 9.3)

The budget document shall present a complete financial plan for the ensuing fiscal year and shall include those items required by the Uniform Budgeting and Accounting Act 2 of the Public Acts of 1968 and as required by law.

On or before May 1 each year the City Manager shall submit to the council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the city. Such recommended budget shall include therein at least the following information:

- (a) The detailed estimates by the City Manager, with supporting explanation of proposed expenditures for each office, department, and board of the city, with a comparison of the actual expenditures for the corresponding items for the last two (2) fiscal years in full, and the expenditures for the current fiscal year to March 31 and an estimate of the expenditures for the balances of the current fiscal year;
- (b) Statements of the indebtedness of the city, showing the principal and interest requirements for the next fiscal year, the debt authorized and unissued and the condition of the sinking and debt retirement funds, if any;
- (c) Detailed estimated of all anticipated revenues of the city from sources other than taxes, with a comparative statement of the amounts estimated for and actually received from each of the same or similar sources for the last two (2) years in full, for the current fiscal year to March 31 and estimated revenues therefrom for the balance of the current fiscal year;

- (d) A statement of the estimated accumulated cash and unencumbered balances, or deficits at the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from taxes to be raised from taxes to be levied, from delinquent taxes, and the amount to be raised from bond issues which, together with available unappropriated funds and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the council may request; and
- (g) A multi-year Capital Improvement Plan which includes provisions for operation and maintenance.

Section 5.05 – City Council Action on Budget

- (a) Notice and Hearing. The City Council shall publish the general summary of the budget and a notice stating:
  - (1) The times and places where copies of the message and budget are available for inspection by the public, and
  - (2) The time and place, not less than two weeks after such a publication, for a public hearing(s) on the budget.
- (b) Amendment Before Adoption. After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
- (c) Adoption The City Council shall adopt the budget on or before the 30<sup>th</sup> day of June of the fiscal year currently ending. If council fails to adopt the budget by this date, the budget presented at the public hearing shall go into effect. If a default budget goes into effect, another public hearing on the budget shall be held within 30 days.
- (d) “Publish” Defined. Publishing in a newspaper shall be defined as stated in MCL 691.1051. City Council may also define additional publication locations as they deem necessary.

Section 5.06 – Budget – Appropriations; Charging of Expenditures; Interim Accounting (Caro Charter Section 9.7)

- (a) No money shall be drawn from the treasurer of the city except in accordance with an appropriation thereof for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all

payments, which will be due under such obligation in the current fiscal year. Except for funds subject to contractual or statutory limitations, the council may transfer any actual unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another. Any expenditure of city funds shall not be authorized or incurred, except in pursuance with the authority and appropriations of the City Council. All city expenditures shall be incurred in compliance with the requirements of Uniform Budgeting and Account Act 2 of the Public Acts of 1968.

- (b) The council may make additional appropriations during the fiscal year for unanticipated expenditures required by the city.
- (c) Except in those cases where there is no other logical account to which expenditures can be charged, expenditures shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the appropriation from the contingency fund (or other similar fund) shall be transferred to the logical account, and the expenditure charged to such account.
- (d) At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the City Manager shall submit to the council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the council shall reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures with the revenues.
- (e) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the general fund.

Section 5.07 – Amendments after Adoption – Commission voted to not include this section.

Section 5.08 – Administration and Fiduciary Oversight of the Budget – Commission voted to not include this section.

Section 5.09 – Capital Improvement Plan

- (a) Submission to City Council. In accordance with state law, the Planning Commission with the assistance of the Planning and Zoning Administrator shall prepare and submit to the City Council a multi-year Capital Improvement Plan no later than three (3) months before the final date for adoption of the budget.

Section 5.10 – Action on Capital Improvement Plan

- (a) Notice and Hearing. The Planning Commission shall publish the general summary of the Capital Improvement Plan and a notice stating:

- (1) The times and places where copies of the Capital Improvement Plan are available for inspection by the public, and
  - (2) The time and place, not less than two (2) weeks after such publication, for a public hearing(s) on the Capital Improvement Plan.
- (b) Recommendation by Planning Commission. Following the public hearing the Planning Commission shall vote to recommend that the Capital Improvement Plan with or without amendment be presented to City Council.
- (c) Adoption. The City Council by resolution shall adopt the Capital Improvement Plan with or without amendment on or before June 30 of each year.

#### Section 5.11 – Independent Audit (Caro Charter Section 9.10)

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants. The auditor's report of the city's business shall be made available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government.

Section 5.12 – Public Records. Commission voted to not include this section. It is required by state law which is referenced in other Articles.

Additional Sections to Include from Caro Charter:

#### Depositories (Caro Section 9.8)

The council shall designate depositories for city funds in accordance with law and shall provide for the regular deposit of all city money by the city treasurer, under the direction of the city manager, pursuant to the written investment policy approved by the council.

#### Investments (Caro Section 9.9)

Surplus funds may be invested in any manner permitted by law, pursuant to the written investment policy approved by the council.

#### Withdrawal of Funds (Caro Section 9.11)

All funds drawn from the treasury shall be drawn in accordance with the authority and appropriation of the council and upon checks signed by two officers of the city to be designated by resolution of the council. Each such check shall specify the fund or funds from which it is payable and shall be paid from no other fund or funds.

# STATE LAW

## MICHIGAN PLANNING ENABLING ACT (EXCERPT) Act 33 of 2008

### **125.3865 Capital improvements program of public structures and improvements; preparation; basis.**

Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

(2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

